

FUKUI, A. et al.
Appl. No. 10/815,976
Atty. Ref.: 900-495
Amendment After Final Rejection
June 11, 2009

REMARKS

Reconsideration is requested.

Claims 1, 2 and 21-37 are pending.

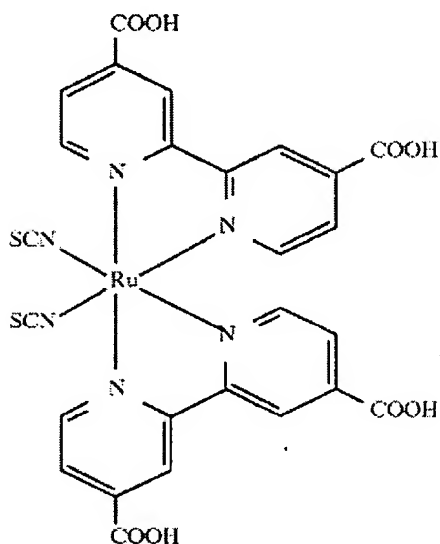
Claims 3-20, 22-25, 29-34 and 36-38 have been canceled, without prejudice.

Claims 1, 2, 21, 26, 27, 28 and 35 will be pending upon entry of the present Amendment.

Claim 1 has been revised to include the dye sensitizer of claim 26, for example. No new matter has been added. The present Amendment is not believed to raise new issues requiring further consideration and/or search. Entry of the Amendment is requested.

The Section 102 rejection of claims 21-25, 28-32 and 35 over Lupo (U.S. Patent No. 5,885,368) is obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested in view of the above and the following.

The Examiner is understood to rely on Lupo for the teaching of the following chromophore (VIII) of Lupo:



, which the Examiner has identified

as cis-bis(isothiocyanato)bis(2,2'-bipyridyl-4,4'-dicarboxylato)-ruthenium(II). See page 2 of the Office Action dated January 13, 2009.

The claims, as amended herein, do not include a chromophore of the cited art. Lupo does not teach, either literally or inherently, or suggest a solar cell of the amended claims.

Entry of the present Amendment and withdrawal of the Section 102 rejection of claims 21-25, 28-32 and 35 over Lupo is requested.

The Section 102 rejection of claims and 21-25, 28-32 and 35-37 Yoshikawa (PGPub 20020040728) is believed to be obviated by the above amendments.

Reconsideration and withdrawal of the rejection are requested in view of the above and the following comments.

As with Lupo, the Examiner relies on the above structure (formula (III)) as defined by R-1 in ¶ [0111] of Yoshikawa; see the paragraph spanning pages 3-4 of the Office Action dated January 13, 2009).

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The claims, as amended herein, do not include a structure of the cited art. Yoshikawa does not teach, either literally or inherently, or suggest a solar cell of the amended claims.

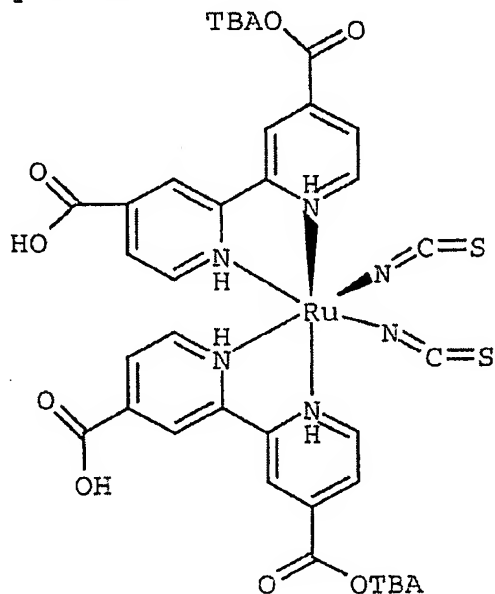
Entry of the present Amendment and withdrawal of the Section 102 rejection of claims 21-25, 28-32 and 35 over Yoshikawa is requested.

The Section 103 rejection of claims 1, 2, 26, 27, 33, 34, 36 and 37 over Lupo and Andriessen (WO2004/025748) is obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested as Andriessen is not believed to cure the deficiencies of Lupo noted above. Moreover, the cited combination of art would not have led one of ordinary skill in the art to predict the unexpectedly beneficial results achieved with the claimed invention, as demonstrated by the present disclosure. Even if one of ordinary skill would have used a dye sensitizer of the secondary reference in place of a dye sensitizer of the primary reference, as alleged by the Examiner, the ordinarily skilled person would not have expected the beneficial results achieved by the claimed product.

The Examiner is understood to rely on the secondary reference to teach a sensitizer of the following structure which the Examiner believes would have allegedly been obvious to use in place of the chromophore of Lupo to allegedly have made the claimed invention:

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cis-bis(isothiocyanato)bis(2,2'-bipyridyl-4,4'-dicarboxylato)-ruthenium(II) bis-tetrabutylammonium



See page 6 of the Office

Action dated January 13, 2009.

The Examiner is urged to appreciate however that this structure of the sensitizer of the cited secondary reference is not a structure of the present claims. The claims include a sensitizer containing a terpyridine while the above structure of the secondary reference includes bipyridine structures.

The amended claims are submitted to be patentable over the cited combination of art. Withdrawal of the Section 103 rejection is requested.

The Section 103 rejection of claims 1 and 2 over Yoshikawa and Andriessen (WO2004/025748) is obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested as Andriessen is not believed to cure the deficiencies of Yoshikawa noted above. As noted above, the Examiner is understood to have relied on Yoshikawa for reasons similar to the reliance on Lupo. The above

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remarks relating to the combination of Lupo and Andriessen are therefore believed to be applicable to the combination of Yoshikawa and Andriessen.

Moreover, the cited combination of art would not have led one of ordinary skill in the art to predict the unexpectedly beneficial results achieved with the claimed invention, as demonstrated by the present disclosure. Even if one of ordinary skill would have used a dye sensitizer of the secondary reference in place of a dye sensitizer of the primary reference, as alleged by the Examiner, the ordinarily skilled person would not have expected the beneficial results achieved by the claimed product.

The claims, as amended, are submitted to be patentable over the cited combination of art. Withdrawal of the Section 103 rejection is requested.

The Section 103 rejection of claims 26, 27, 33, 34, 36 and 37 over Yoshikawa is obviated by the above amendments. The details of claims 21 and 28, for example, which were indicated as not having been obvious over Yoshikawa, have been added to independent claim 1, without prejudice. The remaining claims 2, 21, 26, 27, 28 and 35 are dependent from claim 1 and similar include these details. The cited art would not have made the invention of the amended claims obvious.

Withdrawal of the Section 103 rejection is requested.

The claims, as amended, are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required to place the present application in condition for allowance.

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Respectfully submitted,

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